

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORISKA CORPORATION, individually and
derivatively to Carrier-Defendant Oriska
Insurance Company,

Plaintiff,

-against-

GARDEN CARE CENTER, INC., et al.,
Defendants.

MEMORANDUM & ORDER

21-CV-2010-NGG-SJB

20-CV-6291-NGG-SJB

21-CV-2022-NGG-SJB

21-CV-2024-NGG-SJB

21-CV-2029-NGG-SJB

21-CV-2039-NGG-SJB

21-CV-2040-NGG-SJB

21-CV-2050-NGG-SJB

NICHOLAS G. GARAUFIS, United States District Judge.

On May 27, 2021, this court found that the Healthcare Defendants¹ and individual defendant Ira Lipsius were entitled to

¹ The Healthcare Defendants are Avalon Gardens Rehabilitation & Health Care Center, LLC; Garden Care Center, Inc.; Bay Park Center for Nursing & Rehabilitation LLC d/b/a Bay Park Center for Nursing & Rehabilitation LLC; Brookhaven Rehabilitation & Health Care Center LLC d/b/a Brookhaven Rehabilitation & Health Care Center LLC; Caring Family Nursing & Rehabilitation Center d/b/a New Surfside Nursing Home LLC; Eastchester Rehabilitation & Health Care Center d/b/a Eastchester Rehabilitation & Health Care Center LLC; Golden Gate Rehabilitation & Health Care Center d/b/a Golden Gate Rehabilitation & Health Care Center LLC; Grace Plaza Nursing and Rehabilitation Center d/b/a Pinegrove Manor LLC; Nassau Rehabilitation & Nursing Center d/b/a Nassau Operating Company, LLC; Park Avenue Extended Care Facility d/b/a Park Avenue Operating Company, LLC; Parkview Care & Rehabilitation Center; South Point Plaza Nursing and Rehabilitation Center d/b/a Bayview Manor LLC; Spring Creek Rehab & Nursing Care Center d/b/a Willoughby Rehabilitation & Health Care Center LLC; The Hamptons Center for Rehabilitation and Nursing d/b/a North Sea Associates, LLC; Throgs Neck Rehabilitation

attorney's fees and costs and directed the Healthcare Defendants and Mr. Lipsius to submit a bill of costs and fee application if the parties could not agree on the amount to be reimbursed. *See Percy v. Oriska Gen. Contracting*, No. 20-CV-6131, 2021 WL 2184895, at *10 (E.D.N.Y. May 27, 2021), *appeal withdrawn sub nom.*, *Broad Coverage Serv., Inc. v. Oriska Ins. Co.*, No. 21-1554, 2021 WL 4399676, at *1 (2d Cir. Sept. 1, 2021). On January 26, 2022, the Healthcare Defendants and Mr. Lipsius filed the instant motion for attorney's fees and costs. (See Mot. for Attorney's Fees (Dkt. 22).) This motion was referred to Magistrate Judge Sanket Bulsara for a report and recommendation ("R&R"). (See Feb. 4, 2022 Order Referring Mot.) Magistrate Judge Bulsara issued the annexed R&R on May 31, 2022, recommending that the court award the Healthcare Defendants and Mr. Lipsius \$36,557.50 in attorney's fees. (See R&R (Dkt. 25).)

No party has objected to Judge Bulsara's R&R, and the time to do so has passed. *See* Fed. R. of Civ. P. 72(b)(2). Therefore, the court reviews the R&R for clear error. *See Velasquez v. Metro Fuel Oil Corp.*, 12 F. Supp. 3d 387, 397 (E.D.N.Y. 2014). Having found none, the court ADOPTS the R&R in full and awards the Healthcare Defendants and Mr. Lipsius \$36,557.50 in attorney's fees for the reasons stated in the R&R.

SO ORDERED.

Dated: Brooklyn, New York
July 20, 2022

s/Nicholas G. Garaufis
✓ NICHOLAS G. GARAUFIS ✓
United States District Judge

& Nursing Center d/b/a Throgs Neck Operating Company, LLC; and Townhouse Center for Rehabilitation and Nursing d/b/a Townhouse Operating Company.